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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

LAURI VALJAKKA,

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

Case No. 4:22-cv-01490-JST

**DEFENDANT NETFLIX, INC.'S NOTICE  
OF MOTION AND OPPOSED MOTION  
FOR LEAVE TO AMEND ITS ANSWER  
TO ADD A SINGLE CUVTA  
COUNTERCLAIM**

Judge: Hon. Jon S. Tigar  
Date: October 19, 2023  
Time: 2:00 p.m.  
Crtrm: 6 – 2nd Floor

PLEASE TAKE NOTICE that on October 19, 2023, at 2:00 p.m., or as soon before or thereafter as the matter may be heard, in Courtroom 6 on the 2nd Floor of the Oakland Courthouse located at 1301 Clay Street, Oakland, CA 94612, Defendant Netflix, Inc. (“Netflix”) will and hereby does move this Court for leave to amend its answer to add a single counterclaim.

This motion is based on this Notice of Motion, the attached memorandum of points and authorities in support thereof, and such other written and/or oral arguments as may be presented at or before the time this Motion is taken under submission by the Court.

### LOCAL RULE 7-2(b)(3) RELIEF SOUGHT

Herein Defendant Netflix, Inc. seeks leave to amend to add a single counterclaim to Netflix’s Answer, Dkt. No., 116, for violation of California’s Uniform Voidable Transactions Act.

Dated: August 21, 2023

Respectfully submitted,

/s/ Rachael D. Lamkin

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*Attorneys for Defendant, NETFLIX, INC.*

1 Pursuant to Federal Rules of Civil Procedure 15 and 16, Netflix files this opposed motion  
2 for leave to amend its Answer to Plaintiff’s Third Amended Complaint, Additional Defenses, and  
3 Counterclaims (“Answer”), Dkt. No. 116. As detailed in its concurrently filed Motion For  
4 Preliminary Injunction, Plaintiff Lauri Valjakka has concealed material, relevant evidence of his  
5 fraudulent transfer, in an insider transaction, to his company CDN Licensing. In light of new  
6 evidence, Netflix moves to add a counterclaim against Mr. Valjakka for violation of the California  
7 Uniform Voidable Transactions Act, Cal. Civ. Code § 3429 *et. seq.* Netflix has been diligent in  
8 amending its Answer. *See* Lamkin Decl., ¶¶6-11. Every modification to the scheduling order except  
9 this one has either come as the result of a joint stipulation or unopposed agreement. *See, e.g.,* ECF  
10 Nos. 46, 59, 95, 96, 101.

11 Good cause exists for this request. *See* Fed.R.Civ.P 16(b)(4).

12 Although this matter has been pending for two years (2), Valjakka withheld and concealed  
13 material, highly relevant evidence until just before the close of fact discovery, *i.e.,* exclusive licenses  
14 to the Asserted Patents demonstrating that Plaintiff Valjakka no longer had a majority of the rights  
15 to the Asserted Patents (the “CDN licenses”). After the production and translation of the CDN  
16 licenses, and after Mr. Valjakka’s June 2023 deposition testimony, Netflix realized Mr. Valjakka  
17 had orchestrated fraudulent transactions in order to effectuate transfers of his assets to ostensibly  
18 avoid paying creditors’ contingent claims. *See* Lamkin Decl., ¶¶6-11; Netflix’s Motion For  
19 Preliminary Injunction.

20 Fact discovery closed on June 14, 2023. Dkt. No. 98. On May 12, 2023, after twenty (20)  
21 months of litigation and in contravention of multiple discovery requests over the prior year seeking  
22 the exact information withheld, Valjakka produced two highly relevant documents, in Finnish.  
23 Netflix—on its own accord—obtained certified translations on those documents on May 30, 2023,  
24 two days before Mr. Valjakka’s deposition. In June and July, 2023, Netflix has been absorbed in (i)  
25 discovering and pleading inequitable conduct against Mr. Valjakka, (ii) expert reports, (iii)  
26 mediation, (iv) amending its damages contentions, and (v) drafting summary judgment motions  
27 (Dkt. Nos. 101-124). With these demands, Valjakka was almost successful in permanently  
28 concealing his CUVTA violations. However, upon further review of Mr. Valjakka’s deposition

transcript and the CDN licenses in early August 2023, Mr. Valjakka's attempts to fraudulently transfer assets became apparent. *See* Lamkin Decl., ¶¶6-11. Netflix immediately began researching its rights and remedies, ultimately determining a CUVTA counterclaim and preliminary injunction were warranted. *Id.*

Mr. Valjakka will not be prejudiced by this request. Netflix does not seek to extend any dates in the schedule, including trial.

Filed as Exhibit A hereto is Netflix's proposed amendment to its Answer, in redline.

The Parties have engaged in extensive written correspondence regarding CUVTA and this Motion since August 16, 2023. Lamkin Decl., ¶¶12-17. Netflix has been asking Valjakka to meet and confer since that date. Valjakka's counsel stated that he could only meet and confer this morning. The parties engaged in a telephonic meet and confer this morning and were unable to come to compromise. *See* Declaration of Rachael D. Lamkin in support of Netflix's Motion For Preliminary Injunction, ¶¶12-17, filed concurrently herewith and incorporated by reference. Netflix thus files this Motion opposed.

Dated: August 21, 2023

Respectfully submitted,

/s/ Rachael D. Lamkin

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